

Applicant: Dick et al.
Application No.: 10/688,223

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 39 – 44 are pending in this application. Claims 1 – 38 are canceled without prejudice. New claims 39 – 44 are added.

Claim Rejections - 35 USC §103

Claims 1 – 7, 13 – 16, 21 – 26, 29 and 31 – 35 are rejected under 35 U.S.C. 103(a) as being anticipated by PCT Publication No. WO02/065667 to Willenegger et al. (hereinafter Willenegger) further in view of U.S. Patent No. 6,400,960 to Dominique et al. (hereinafter Dominique).

Claims 8 – 11, 17 – 19, 27 – 28, 30, and 36 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willenegger, in view of Dominique and further in view of U.S. Patent No. 6,853,844 to Iwamura (hereinafter Iwamura).

Claims 1 – 38 have been canceled.

As Applicant previously argued in response to the January 26, 2007 Office Action, the disclosed method and WTRU include an improved outer loop transmission power control in a serving wireless transmit receive unit that receives data signals on an uplink dedicated channel and sporadically receives data signals on an associated uplink shared channel. The uplink dedicated channel is processed for computing a target metrics based on the reception of signals received from a

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WTRU. As the Examiner admits, Willenegger does not disclose the method and WTRU as claimed in claims 39 and 42. As apart of the Examiner's current rejection, the Examiner states:

In the related field of endeavor, Dominique discloses a shared channel target metric generator (inherently) configured to output a respective updated power threshold for secondary channel (read as uplink shared channel metric) derived from a current established power directional level for associated primary channel (read as target metrics computed for the UL DCH associated with the UL SCH).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Willenegger with the teachings of Dominique in order to provide power control in a given [SIC] channel during times of discontinuous transmission.

This statement by the Examiner, though, is not accurate. Dominique in combination with Willenegger still does not disclose the disclosed method and WTRU. As indicated, the claimed serving WTRU is for implementing transmission power control for other WTRUs. At best, Dominique discloses simply managing transmission power control in the actual WTRU. This determined power threshold is not used by any other WTRU.

Therefore, Willenegger, nor Dominique alone, or in combination with one another, do not disclose the method or WTRU including a shared channel target

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metric generator that outputs an uplink channel target metric for use in computing uplink channel power adjustments by another WTRU.

Claims 40 - 41 and 43 - 44 are dependent upon claims 39 and 42, and the Applicants believe these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 103(a) rejection is respectfully requested.

Conclusion


If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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DWS/rlm
Enclosure